



Montana Fish, Wildlife & Parks

4600 Giant Springs Rd.
Great Falls, MT 59405
406-454-5840
April 2016

Dear Interested Party:

This letter is to notify you that I have made a decision regarding Montana Fish, Wildlife, and Parks' (MFWP) Proposal to acquire in fee title 9,488.26 acres of Department of Natural Resources and Conservation lands known as 'inholdings', cumulatively, on the Sun River, Beartooth and Blackleaf Wildlife Management Areas (WMAs). My decision is to move forward with the proposed action as described in the attendant Environmental Assessment. This acquisition will further secure and maintain wildlife habitat and compatible recreational opportunities for the long-term on those WMAs.

Seventy-two (72) public comments were submitted regarding this Proposal and its intended products. Public comment identified no omissions or deficiencies in the Environmental Assessment. Attached is the Decision Notice with a summary of public comment. As a result, no modifications have been made to the Draft EA. Please consider your previous copy of the EA along with this Decision Notice as final.

It is my recommendation to move forward with the proposed Acquisition on the Sun River, Beartooth and Blackleaf WMAs. The final Department decision will be made at the Fish and Wildlife Commission Meeting, scheduled in May 2016. Completion of this Proposal will also require action by the Montana Land Board.

Thank you for your interest and involvement.

Sincerely,

A handwritten signature in blue ink that reads "Gary Bertellotti". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary Bertellotti
Region 4 Supervisor
Montana Fish, Wildlife, & Parks
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Great Falls, MT 59405
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Montana Fish, Wildlife & Parks

DECISION NOTICE

Acquisition of DNRC Inholdings on Sun River, Beartooth, and Blackleaf Wildlife Management Areas

Region 4 Headquarters
4600 Giant Springs Rd.
Great Falls, MT 59405
(406) 454-5840

DESCRIPTION OF PROPOSED ACTION:

Montana Fish, Wildlife & Parks (FWP) proposes to purchase by fee title 9,488.26 acres of Trust Lands managed by the Montana Department of Natural Resources and Conservation (hereafter, DNRC) identified as inholdings on three FWP Wildlife Management Areas (WMAs). These three WMAs are known as the Sun River, Beartooth and Blackleaf and are located in Lewis & Clark, Cascade/Lewis & Clark, and Teton counties, respectively. Those acres to be purchased in each WMA, respectively, are 3,410.35; 5,438.43 and 639.48. Total appraised value for these acres combined is \$11,146,000.

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PUBLIC PROCESS AND COMMENT:

Montana Fish, Wildlife, and Parks is required by MEPA to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. Montana Fish, Wildlife, and Parks released a Draft Environmental Assessment (EA) for public review of this proposal on March 4, 2016 and accepted public comment until 5:00 P.M. on April 8, 2016.

A public notice: "Proposal to Sell DNRC Trust lands within the Beartooth, Blackleaf, and Sun River WMA's" was initially offered the public to achieve scoping comments beginning May 19, 2015 for one month. Subsequently, notice of the Proposal and availability of the Draft EA was published in the Great Falls Tribune and various local papers throughout MFWP Region 4 in March, 2016. Copies of the Draft EA were distributed to neighboring landowners and interested individuals, groups, and agencies to ensure their knowledge of the proposed project. The EA was available for public review on MFWP's website (<http://fwp.mt.gov/>, "Public Notices") from March 4, 2016 through April 8, 2016. Multiple MFWP statewide news releases were issued during the established public comment period and simultaneously posted on MFWP's website. An advertised public informational meeting was held in Great Falls on March 29 for the same purpose.

SUMMARY OF PUBLIC COMMENT:

Montana Fish, Wildlife, and Parks received 72 total comments (vast majority online). Those comments were considered as representing 67 in support of the Proposal and 5 in opposition. Following is a summation and, where necessary, response to comments received.

Those favoring the Proposal cited the following factors in their consideration. The Proposal would:

- Provide long term habitat protection for acres involved and those adjacent acres presently managed on the WMAs;
- Preclude future potential for habitat fragmentation given differing management direction on the lands;
- Provide singular management direction for like-kind acres/lands; eliminate management conflicts between two state agencies (FWP & DNRC) who manage according to two differing missions;
- An appropriate use of Habitat Montana license dollars;
- An appropriate use of matching Pittman Robertson (PR) federal funds; the ¼ to ¾ match in funding is “a good return on investment” for state dollars;
- A unique opportunity for the sake of timing with availability of PR funds;
- Eliminate present and increased future lease payments to DNRC;
- DNRC will be able to more effectively use these resulting dollars thru their Land Banking program to generate increased income on a per acre basis for the Trusts they manage;
- Further promote outdoor recreational uses as the writer has experienced in the past on these same three WMAs.

Those opposing the Proposal cited the following factors in their consideration. The Proposal would:

- Reduce income generating capacity of Trust lands managed by DNRC;
- Be a poor use of State taxpayer dollars;
- Favor acquisition, when these lands should be traded between the two agencies, not sold; State agency should give acres to the other state agency;
- Use excessive/inflated appraisal values;
- Implies the federal government (by use of PR funds) will own these acres – opposition to any federal land ownership;
- Continue the “failure of FWP on many fronts of Wildlife Management” . . .”dysfunctional and unaccountable manner in which FWP operates”;

One comment called for extension of the public comment period until after May 15 – the date on which these WMAs open to public use after winter closure for wildlife benefit.

RESPONSE TO PUBLIC COMMENT:

Comment: Will reduce income generating capacity of Trust lands managed by DNRC

MFWP Response: Since 2005, DNRC has sold 68,060 acres via its Land Banking Program that generated an annual income of \$201,571 and then purchased 67,193 acres that produces an annual income of \$467,568. That is an increase in Trust revenue of 132%. All the lands acquired through the Program have legal public access. The Land Banking Acquisition program is required to only purchase lands that produce an equal or greater income to the Trust. It is anticipated that sale of these WMA acres would produce similar results.

Comment: Be a poor use of State taxpayer dollars

MFWP Response: No Montana general fund taxpayer dollars will be used to fund this effort. FWP would use a combination of FWP Habitat Montana Program (1/4) and U.S. Fish and Wildlife Service Pittman Robertson Act (3/4) dollars to fund the purchase.

Comment: Unnecessarily favors acquisition, when these lands should be traded between the two agencies, not sold.

MFWP Response: This response was originally contained within the draft EA, reference pages 24 and 25 of said document. The DNRC is provided direction for the sale of lands and leasing of lands in the Montana Constitution. Specifically, Article 10, Section 11 of the Montana Constitution states: “public land Trust, disposition ... (2) No such land or any estate or interest therein shall ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state ...”. An exchange of lands was deemed not a viable option.

Comment: Use excessive/inflated appraisal values

MFWP Response: Under land banking the estimated value of sale parcels must be determined by a Montana Licensed and Montana-Certified General Appraiser. The appraisal must be completed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), as adopted by reference by the State Board of Real Estate Appraisers in ARM 24.207.402. The DNRC reviews or contracts the review of the appraisal, the appraised value is then recommended to the Land Board as the minimum bid for a parcel

Comment: Implies the federal government (by use of PR funds) will own these acres – opposition to any federal land ownership

MFWP Response: Subsequent ownership and management of lands acquired using Pittman Robertson funds (after having provided a State match of dollars) falls to the State of Montana. Similar matching dollars were used in the original purchase of these three WMAs; similar management authority and practices will continue.

Comment: Suggested extension of the public comment period until after May 15

MFWP Response: A public participation and comment period was scheduled March 4 through April 8, 2016. Adequate description by maps, acreage and parcel description in the EA was provided for assimilation of concept, purpose and final product.

DECISION NOTICE

Using the EA and public comment, a Decision Notice must be rendered by MFWP which addresses the concerns and issues identified for this proposed action.


Montana Fish, Wildlife, and Parks’ analysis supports proceeding with the proposed purchase of these ‘inholding’ acres on three FWP Wildlife Management areas as described.

I find there to be no significant impacts to the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

After review of this proposal, it is my decision to accept the Draft EA as supplemented by this Decision Notice as Final, and to recommend FWP proceed with the acquisition effort as described.

The Final EA (draft EA + Decision Notice) may be viewed on MFWP’s website, or be obtained upon request from MFWP’s Region 4 Headquarters.

April 21, 2016


Gary Bertellotti
Region 4 Supervisor